

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 07 June 2001 (07.06.01)	International application No. PCT/EP00/09399	Applicant's or agent's file reference HF/2-22100/PCT/A
International filing date (day/month/year) 26 September 2000 (26.09.00)	Priority date (day/month/year) 05 October 1999 (05.10.99)	
Applicant KVITA, Petr et al		

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 07 February 2001 (07.02.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Olivia TEFY Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

CIBA SPECIALTY CHEMICALS HOLDING
INC.
Patentabteilung
Klybeckstrasse 141
CH-4057 Basel
SUISSE

Date of mailing (day/month/year) 01 March 2002 (01.03.02)	
Applicant's or agent's file reference HF/2-22100/PCT/A	IMPORTANT NOTIFICATION
International application No. PCT/EP00/09399	International filing date (day/month/year) 26 September 2000 (26.09.00)

1. The following indications appeared on record concerning:		
<input checked="" type="checkbox"/> the applicant	<input checked="" type="checkbox"/> the inventor	<input type="checkbox"/> the agent <input type="checkbox"/> the common representative
Name and Address GORETZKI, Ralf Berliner Allee 22B 86153 Augsburg Germany	State of Nationality DE	State of Residence DE
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:		
<input type="checkbox"/> the person	<input type="checkbox"/> the name	<input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence
Name and Address GORETZKI, Ralf Kornstrasse 9a 86391 Stadtbergen Germany	State of Nationality DE	State of Residence DE
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to:		
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned	
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned	
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Elisabeth KÖNIG
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

WO 01/25385
PCT/EP00/09399

AC

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NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

CIBA SPECIALTY CHEMICALS HOLDING
INC.

Patentabteilung

Klybeckstrasse 14

CH-4057 Basel

SUISSE

Pessort P/TM/SI		LE 5
19. April 2001		
PATA	PATL	SEG

Date of mailing (day/month/year) 12 April 2001 (12.04.01)		
Applicant's or agent's file reference HF/2-22100/PCT/A		
IMPORTANT NOTICE		
International application No. PCT/EP00/09399	International filing date (day/month/year) 26 September 2000 (26.09.00)	Priority date (day/month/year) 05 October 1999 (05.10.99)
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC. et al		

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
AU, KP, KR, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:
AE, AG, AL, AM, AP, AT, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EA, EE, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OA, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, UZ, VN, YU,
The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).
3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 12 April 2001 (12.04.01) under No. WO 01/25385

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer J. Zahra
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference HF/2-22100/PCT /A	FOR FURTHER ACTION <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small>	
International application No. PCT/EP 00/ 09399	International filing date (day/month/year) 26/09/2000	(Earliest) Priority Date (day/month/year) 05/10/1999
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

FABRIC SOFTENER COMPOSITIONS

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/09399

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C11D3/37 C11D17/04 C11D3/12 C11D1/645 C11D1/62

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 150 872 A (PROCTER & GAMBLE) 7 August 1985 (1985-08-07) page 1; claims; examples page 18 ---	1-6, 8-15, 17-19
X	US 3 992 332 A (ZENON HEMSON JOSEPH) 16 November 1976 (1976-11-16) column 1 -column 2; claims ---	1-6, 8-15, 17-19
A	GB 1 549 180 A (PROCTER & GAMBLE) 1 August 1979 (1979-08-01) page 1-2; claims; examples --- -/--	1-19



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

4 January 2001

Date of mailing of the international search report

11/01/2001

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Pfannenstein, H

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/09399

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	DE 39 32 276 A (DOW CORNING LTD) 29 March 1990 (1990-03-29) page 1; examples page 4 ----	1-20
X	US 5 728 673 A (MERMELSTEIN ROBERT ET AL) 17 March 1998 (1998-03-17) column 5; claims; examples ----	1-6, 8-14, 16-19
X	EP 0 413 416 A (COLGATE PALMOLIVE CO) 20 February 1991 (1991-02-20) page 2; claims ----	1-6, 8-14, 16-19
A	EP 0 739 976 A (HENKEL KGAA) 30 October 1996 (1996-10-30) page 1; claims; examples ----	1-20
A	EP 0 133 562 A (HENKEL KGAA) 27 February 1985 (1985-02-27) page 4; claims; examples ----	1-20
X	US 5 407 588 A (BUTTERWORTH ROBERT M ET AL) 18 April 1995 (1995-04-18) claims; examples ----	1-6, 8-13, 17-19
A	DE 39 26 005 A (PFERSEE CHEM FAB) 7 February 1991 (1991-02-07) page 5; claims ----	1
A	EP 0 544 493 A (UNILEVER PLC ; UNILEVER NV (NL)) 2 June 1993 (1993-06-02) claims; examples -----	1-20

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 00/09399

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0150872	A	07-08-1985	AT 51892 T	15-04-1990
			CA 1232412 A	09-02-1988
			DE 3577107 D	17-05-1990
			GR 850050 A	18-04-1985
			JP 2055367 C	23-05-1996
			JP 6057839 B	03-08-1994
			JP 60215099 A	28-10-1985
			MX 163030 B	05-08-1991
US 3992332	A	16-11-1976	NONE	
GB 1549180	A	01-08-1979	AT 364431 B	27-10-1981
			AT 525976 A	15-03-1981
			BE 844200 A	17-01-1977
			CA 1085563 A	16-09-1980
			CH 614473 A	30-11-1979
			DE 2631419 A	03-02-1977
			FR 2318268 A	11-02-1977
			IT 1062533 B	20-10-1984
			JP 52053094 A	28-04-1977
			MX 145627 A	17-03-1982
			NL 7607870 A,B,	18-01-1977
			SE 418512 B	09-06-1981
			SE 7608101 A	17-01-1977
DE 3932276	A	29-03-1990	CA 1322632 A	05-10-1993
			FR 2636985 A	30-03-1990
			GB 2225787 A,B	13-06-1990
			US 4978462 A	18-12-1990
US 5728673	A	17-03-1998	BR 9707326 A	13-04-1999
			CA 2243954 A	07-08-1997
			CN 1214729 A	21-04-1999
			JP 2000501146 T	02-02-2000
			WO 9728244 A	07-08-1997
EP 0413416	A	20-02-1991	US 5051250 A	24-09-1991
			US 5213716 A	25-05-1993
			AT 131034 T	15-12-1995
			AT 118165 T	15-02-1995
			AT 125689 T	15-08-1995
			AU 5755890 A	03-01-1991
			BR 9002924 A	20-08-1991
			CA 2019341 A	21-12-1990
			CA 2019352 A	21-12-1990
			CA 2019358 A	21-12-1990
			CN 1048422 A	09-01-1991
			DD 295404 A	31-10-1991
			DE 69016715 D	23-03-1995
			DE 69016715 T	28-09-1995
			DE 69021288 D	07-09-1995
			DE 69023969 D	18-01-1996
			DK 413417 T	17-07-1995
			EP 0407040 A	09-01-1991
			EP 0407041 A	09-01-1991
			EP 0413417 A	20-02-1991
			EP 0407042 A	09-01-1991
			GR 90100471 A	15-11-1991

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 00/09399

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0413416 A		HU 54297 A	28-02-1991
		JP 3051367 A	05-03-1991
		NO 902747 A	27-12-1990
		PL 285680 A	15-07-1991
		PT 94418 A	08-02-1991
		US 5580494 A	03-12-1996
		US 5348736 A	20-09-1994
		US 5726137 A	10-03-1998
		US 5415857 A	16-05-1995
		US 5346642 A	13-09-1994
		ZA 9004843 A	26-02-1992
		AU 640382 B	26-08-1993
		AU 5768890 A	16-05-1991
		BR 9002926 A	20-08-1991
		CA 2019346 A	21-12-1990
		CN 1051501 A	22-05-1991
		DD 295308 A	31-10-1991
		GR 90100466 A,B	17-04-1992
		HU 54296 A,B	28-02-1991
		JP 3153619 A	01-07-1991
		KR 192157 B	15-06-1999
		NO 902746 A	08-05-1991
		NZ 234189 A	25-11-1994
		PL 165297 B	30-12-1994
		PT 94421 A,B	05-07-1991
EP 0739976 A	30-10-1996	DE 19515646 A	31-10-1996
EP 0133562 A	27-02-1985	DE 3329191 A	21-02-1985
		ES 535089 D	01-05-1985
		ES 8504913 A	16-07-1985
		ZA 8406252 A	29-05-1985
US 5407588 A	18-04-1995	AU 633545 B	04-02-1993
		AU 5050790 A	06-09-1990
		BR 9000990 A	19-02-1991
		CA 2011125 A,C	02-09-1990
		DE 69026640 D	30-05-1996
		DE 69026640 T	19-09-1996
		EP 0385749 A	05-09-1990
		ES 2085891 T	16-06-1996
		JP 1913045 C	09-03-1995
		JP 2269874 A	05-11-1990
		JP 6041670 B	01-06-1994
		ZA 9001609 A	27-11-1991
DE 3926005 A	07-02-1991	AT 107715 T	15-07-1994
		BR 9003817 A	03-09-1991
		DE 4007136 A	12-09-1991
		DE 59006192 D	28-07-1994
		EP 0412324 A	13-02-1991
		JP 3076735 A	02-04-1991
		US 5078747 A	07-01-1992
EP 0544493 A	02-06-1993	US 5254269 A	19-10-1993
		AU 659693 B	25-05-1995
		AU 2855292 A	27-05-1993
		CA 2083330 A,C	27-05-1993

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 00/09399

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0544493 A		DE 69228228 D	04-03-1999
		DE 69228228 T	02-06-1999
		ES 2127206 T	16-04-1999
		JP 2547370 B	23-10-1996
		JP 6017376 A	25-01-1994
		ZA 9209191 A	26-05-1994
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REC'D 17 JAN 2002

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference HF/2-22100/PCT/A	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/09399	International filing date (day/month/year) 26/09/2000	Priority date (day/month/year) 05/10/1999
International Patent Classification (IPC) or national classification and IPC C11D3/37		
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 8 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 07/02/2001	Date of completion of this report 15.01.2002
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Pfannenstein, H Telephone No. +49 89 2399 8217



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/09399

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-45 as originally filed

Claims, No.:

1-20 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/09399

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-14,16-20 in part.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	7,20
	No:	Claims	1-6,8-14,16-19
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-14,16-20
Industrial applicability (IA)	Yes:	Claims	1-14,16-20
	No:	Claims	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/09399

2. Citations and explanations
see separate sheet

R item IV

The application lacks unity within the meaning of Rule 13.1 PCT:

- Claim 1 is known from EP-A-150872 (pages 1,18) and US-A-3992332 (col.1-2, claims). They describe compositions comprising dispersed polysiloxanes, fatty acid alkanolamide and a softening agent in order to improve the wrinkle recovery and the feel of fabrics. There are further documents such as DE-A-3926005 (claims, page 5, l.49-55) which describes dimethylpolysiloxanes, polyethylene and a softening agent for textile treatment in textile finishing processes in order to improve the wrinkle recovery and feel of fabrics and to inhibit dirt and stains.
- GB-A-1549180 (pages 1-2, 6-8, claims, examples) and DE-A-3932276 (pages 2,4, examples, claims) describe a method of use of a fabric softening composition for easier ironing, improved wrinkle recovery and pleasant feel of fabrics and soil release properties. The compositions are aqueous and comprise a quaternary ammonium salt and dispersed dimethylpolysiloxanes which may comprise an amino group. The difference to the present claim 1 is the presence of at least one compound B selected from four different compounds. The single general inventive concept, fabric softener (A) and dispersed polyorganosiloxane (C), of present claim 1 is therefore known.
- There are, therefore, at least four (4) different groups of inventions according to the four quite different compounds B according to claim 1.
 - 1) A + C + polyethylene (B1)
 - 2) A + C + fatty acid alkanolamide (B2)
 - 3) A + C + polysilicic acid (B3)
 - 4) A + C + polyurethane (B4)

It should also be taken into account that there are four different compounds C according to claim 1, and the softening agents may be also many quite different compounds (from the quaternary ammonium to mineral oil) according to the description.

(In the examples of the application one softener type and B1 and B2 are used.)

R item V

- 1) The examination relates to the group 1) A + C + polyethylene (B1).
- 2) Laundry softening compositions generally soften the laundry, i.e. improved the hand feel ("Griff"), prolong the life of the laundry, make the ironing easier, i.e. less crease, and improve the antistatic behaviour of the laundry.
In the examples of the present application the softness drape is evaluated by hand feel.
To summarize, softening compositions comprising components A, B and C according to claim 1 destroy the novelty of claim 1.
Moreover, the resulting properties of a treated fabric e.g. in the following documents are implicitly the ones mentioned above and not only the ones mentioned in the documents.
- 3) Reference is made to the following documents:
D1 EP-A-150872
D3 GB-A-1549180
D4 DE-A-3932276
D5 US-A-5728673
D6 EP-A-413417
D10 EP-A-544493
D11 DE-A-3926005
- 4) D3 (pages 1-2, 6-8, claims, examples) and D4 (pages 2,4, examples, claims) describe a method of use of a fabric softening composition for easier ironing and improved wrinkle recovery. The compositions are aqueous and comprise a quaternary ammonium softening compound and dispersed dimethylpolysiloxanes which may comprise an amino group. Claim 1 differs from D3 and D4 in that it additionally comprises polyethylene.
The use of polyethylene in softeners to improve anti wrinkling is already known from D5 (col.1). Thus a skilled person would arrive at a composition according to claim 1. No surprising or technical effect has been demonstrated. Thus the subject-matter of claim 1-6,8-14,16-19 is not inventive (Article 33(3) PCT).

D5 (examples, claim 16) describes a method of use of a fabric softening composition for improved wrinkle recovery. Said aqueous composition comprises a quaternary ammonium softening compound polyethylene and a silicone anti foam. Claim 1 differs from D5 in that in claim 1 there is a defined dispersed dimethylpolysiloxane.

In D5 (col.5, l.1-24) the silicone anti foam may be a polydimethylsiloxane. Such siloxanes fall within formula 1 of present claim 1.

The use of specific polysiloxanes to improve the wrinkle recovery is known from e.g. D1.

A skilled person would therefore arrive at claim 1. No surprising or technical effect over D5 has been demonstrated.

Thus the subject-matter of claims 1-6,8-14,16-19 is not inventive.

D6 (claims, page 2, l.8-10) describes a method of use of a fabric softening composition for improved softening. Said aqueous composition comprises a quaternary ammonium softening compound, polyethylene and poly amino siloxane. Thus the subject-matter of claims 1-6,8-14,16-19 is not novel.

D11 (examples, claims, page 2,l.43) describes textile treatment compositions comprising dimethylsiloxanes, polyethylene and a softening agent for the improvement of the wrinkle recovery, feel of fabric and inhibition of dirt and stains. After the impregnation of the textile with such a composition, the textile has to be cured at 140°C. Such a temperature is found when ironing. The present description also relates to ironing. Thus D11 has also to be taken into account for novelty and inventive step of the claims.

- 5) The use of a similar composition in form of a dryer sheet, the features of claims 7 and 20, are described in D10 (claims, examples). Thus the subject-matter of these claims is not inventive.
- 6) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the above documents is not mentioned in the description, nor are these documents identified therein.
- 7) It is clear from the description that the following features are essential to the

definition of the invention:

- (1) The dispersed polyorganosiloxane comprises an emulsifier, see page 7;
- (2) the emulsion comprises 5-70% solids at 120°C, see page 7, last par. (is it really 120°C?).

Since independent claim 1 does not contain these features it does not meet the requirement following from Article 84 EPC taken in combination with Rules 29(1) and (3) EPC that any independent claim must contain all the technical features essential to the definition of the invention.

- 8) There is an inconsistency between the claims and the description.
The term "preferably" on page 7, par. 7, has not been deleted in view of claim 1. According to claim 1 the polyorganosiloxanes are not anionic, thus anionic on page 7, par. 6 has not been deleted.
- 9) According to page 2, last par. the curing step needs one hour or more. This appears to be wrong, usually the curing takes at most several minutes.
- 10) There are doubts if all the formulas at pages 16-17 really are fatty alkanolamides since the alkanol is not always situated at the nitrogen of the amide. This inconsistency has not been removed.